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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,725	01/22/2001	Egbert Jux	CL/V-30578A	1309

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EXAMINER
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ANGEBRANNDT, MARTIN J

ART UNIT	PAPER NUMBER
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1756

DATE MAILED: 09/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/766,725

Applicant(s)

JUX ET AL.

Examiner

Martin J Angebrannt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 April 2002 and 26 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 17-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. Applicant's election without traverse of group I, claims 1-16 in Paper No. 6 is acknowledged.
2. The restriction requirements of the office action of 6/10/2002 is incorporated here.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10 and 13 are rejected under 35 U.S.C. 102(b) as being fully anticipated by Kiyosaki JP 08-047784 (note machine translation).

Kiyosaki JP 08-047784 shows marked blister packs in figures 3 and 4. These are marked as part of the continuous process disclosed with respect to figure 2. The carbon dioxide laser and

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marking optics are shown as 11 and 12 in figure 2. The use of a laser to remove a portion of an ink layer in section [0004]. The PVC is discolored by the CO<sub>2</sub> laser irradiation and each pocket of the blister pack is marked. [0011]. The apparatus "8" punches out each of the separate groups. The apparatus "6" seals the packaging. These are shown in figures 3 and 4 as two columns of 5 tablets. Each if the columns is considered as strip.

6. Claims 1-10,13 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Kiyosaki JP 08-047784 , in view of Edwards et al. '059.

Edwards et al. '059 teaches the packaging of contact lenses in blister packs. (5/58-6/2).

It would have been obvious to one skilled in the art to use known methods for marking blister packs in a on-line/continuous process taught by Kiyosaki JP 08-047784 with blister packs containing contact lenses, such as taught by Edwards et al. '059 with a reasonable expectation of successfully marking the packaging.

7. Claims 1-13 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Kiyosaki JP 08-047784 , in view of Edwards et al. '059 and Roy '771.

Roy '771 teaches that carbon dioxide lasers, and YAG laser are known to be useful in laser marking (3/36-51). The energy, wavelength and laser spot size are disclosed. (5/51-62 and table 1.) The laser spot size is equivalent to the hole size.

In addition to the basis provided above, Roy '771 teaches the equivalence of carbon dioxide and Nd-YAG lasers in laser marking processes as well as the size of width of the markings which is the same as the laser beam and the examiner holds that it would have been obvious to one of ordinary skill in the art to modify the invention of the combination of Kiyosaki

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JP 08-047784 and Edwards et al. '059 by using other lasers and/or laser spot sizes, such as those taught by Roy '771 based upon the disclosure of equivalence within that reference.

8. Claims 1-13 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Kiyosaki JP 08-047784, in view of Edwards et al. '059 and Roy '771, further in view of Bornfleth et al. '683

Bornfleth et al. '683 establishes that within the manufacturing field, it is old and well known that closely adjacent processing lines allow a single attendant to monitor several of them simultaneously.

In addition to the basis provided above, the examiner holds that it would have been obvious to one of ordinary skill in the art to modify the invention of the combination of Kiyosaki JP 08-047784, Edwards et al. '059 and Roy '771 by running plural lines adjacent to one another to save on personnel costs as disclosed by Bornfleth et al. '683.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schmiletzky '116 teaches laser perforation of blister packs. (9/18-24).

Abrams '844 teaches the packaging of contact lenses in blister packs. (6/6-24).

Breitler '325 teaches laser perforation of blister packs. (8/32-45).


Inoue et al. '442 teach laser perforation of blister packs. (8/48-64).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin J Angebrannndt whose telephone number is 703-308-4397. The examiner can normally be reached on Mondays-Thursday and alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 703-308-2464. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Martin J Angebrannndt  
Primary Examiner  
Art Unit 1756

September 11, 2002